

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. No. 642 of 2005 (S/S)

Khim Singh Bisht

Vs.

Director, Dairy Development & Anr.

Hon'ble Rajesh Tandon, J.

Heard Shri B.S. Adhikari, learned Counsel for the petitioner and learned Standing Counsel.

Both the parties have agreed that let the writ petition be disposed of at the admission stage itself. The petitioner has prayed a writ of mandamus directing the respondents to give the notional promotion to the petitioner from 9th February, 2004 on the post of Mukhya Lipik at the pay scale of Rs. 5,000-8000/- which he was already getting as time scale.

Briefly stated the petitioner was initially appointed in the department of respondent no. 1 on the post of Junior Clerk on 1st December, 1964. Thereafter he was promoted as a Senior Assistant on 3rd May, 1980.

The petitioner has submitted that he has completed 16 years of continuous service in the department, being in the post of Senior Assistant from 3rd May, 1980 and thereafter he was given Promotional pay Scale of Rs. 5,000-8,000/- from 01.05.1996. Learned Counsel referred to the G.O. dated 9th February, 2004 and in pursuance of said G.O. he was entitled to get promotional pay scale on the post of Mukhya Lipik as he was already getting scale of this post.

Since the petitioner has already retired on 31.12.2004 therefore, the respondents are directed to consider his notional promotion on the pay scale of Rs. 5000-8000/-.

Petitioner has already made a representation as Annexure-6 to the writ petition. The respondents are directed to decide the representation of the petitioner within a period of six weeks.

Subject to the above observations, the petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

Dt. 20.05.2005

Sweta